



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,055	04/16/2001	Shmuel Shaffer	062891.0469	5973

7590
William R. Borchers
Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

04/02/2004

EXAMINER

HONG, HARRY S

ART UNIT	PAPER NUMBER
----------	--------------

2642

5

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,055

Applicant(s)

SHAFFER ET AL.

Examiner

Harry S. Hong

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-79,81-87 and 89-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 72 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,11,12,14-24,27-37,40-50,53-65,68-71,73-75,77,79,81-83,85 and 87 is/are rejected.
- 7) ☒ Claim(s) 9,10,13,25,26,38,39,51,52,66,67,76,78,84,86 and 89-95 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 73-75, 77, 79, 81-83, 85, and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieselin et al. (Bieselin; US 5,559,875; cited and applied for the second time) or Bruno et al. (Bruno; US 5,710,591; cited and applied for the second

Art Unit: 2642

time) in view of Greaves et al. (Greaves; US 4,947,436; cited and applied for the first time).

Bieselín plainly teaches the method and apparatus for identifying a participant during a conference call. Refer particularly to column 5, lines 4 – 15 and lines 48 – 56; and to column 7, lines 7 – 22 where Bieselín clearly discloses the steps of claims 73-80 and the interface; memory; and the processor of claims 81-88. Bieselín teaches identifying a participant using the participant's voice print (see column 7, line 21).

Bruno also plainly teaches the method and apparatus for identifying a participant during a conference call. Refer particularly to column 7, lines 39 – 64 where Bruno clearly discloses the steps of claims 73-75, 77, and 79 and the interface; memory; and the processor of claims 81-83, 85, and 87. Bruno teaches identifying a participant using the participant's voice print (see column 7, lines 42 and 43).

Bieselín or Bruno fails to teach frequency characteristics stored in a voice profile. However, The entire patent to Greaves plainly teaches identifying speakers by comparing frequency characteristics stored in a voice profile. Therefore, it would have been obvious even to one of ordinary skill in the art at the time of the invention to identify the conference participants of Bieselín or Bruno using frequency characteristics stored in a voice profile as taught and motivated by Greaves.

5. Claims 1-3, 5-8, 11, 12, 14-24, 27-37, 40-50, 53-65, and 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieselín et al. or Bruno et al. in view of Greaves et al. as applied above.

Bieselin or Bruno in view of Greaves is silent with respect to the message comprising VoIP (packet). However, in the present state of the telecommunication art, VoIP technology is ubiquitous in telephony let alone teleconferencing. Therefore, lacking criticality, it would have been obvious even to of ordinary skill in the art at the time of the invention to incorporate the method and apparatus of Bieselin or Bruno into a VoIP conferencing environment in order to take advantage of the Internet.

Allowable Subject Matter

6. Claim 72 is allowed over the prior art of record.
7. Claims 9, 10, 13, 25, 26, 38, 39, 51, 52, 66, 67, 76, 78, 84, 86, and 89-95 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lerner et al. teach another aspect of identifying conference participants.

Response to Arguments

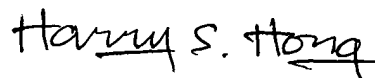
9. Applicant's arguments with respect to claims 1-3, 5-79, 81-87, and 89-95 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2642

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry S. Hong whose telephone number is (703) 306-3040. The examiner can normally be reached on Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harry S. Hong
Primary Examiner
Art Unit 2642

March 31, 2004